

# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

Secretary to the Commission

VOLUME 14. Part 13. Pp. 323—338

## OPINION 429

Direction under the Plenary Powers limiting to suppression for the purposes of the Law of Priority the suppression of the generic name *Argus* Bohadsch, 1761 (Class Gastropoda) prescribed by the Ruling given in *Opinion* 185 thereby securing that the generic name *Argus* Scopoli, 1763 (Class Insecta, Order Lepidoptera) shall remain invalid under the Law of Homonymy

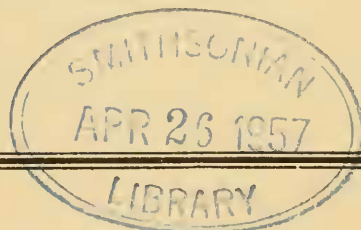
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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 429

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*Vice-President* : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

*Secretary* : Mr. Francis HEMMING (*London, England*) (27th July 1948)

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(*Arranged in order of precedence by reference to date of election or of most recent re-election, as prescribed by the International Congress of Zoology*)

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Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, Berkeley, California, U.S.A.*) (29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*) (6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale, "G. Doria," Genova, Italy*) (16th December 1954)

## OPINION 429

DIRECTION UNDER THE PLENARY POWERS LIMITING TO SUPPRESSION FOR THE PURPOSES OF THE LAW OF PRIORITY THE SUPPRESSION OF THE GENERIC NAME " ARGUS " BOHADSCH, 1761 (CLASS GASTROPODA) PRESCRIBED BY THE RULING GIVEN IN " OPINION " 185, THEREBY SECURING THAT THE GENERIC NAME " ARGUS " SCOPOLI, 1763 (CLASS INSECTA, ORDER LEPIDOPTERA) SHALL REMAIN INVALID UNDER THE LAW OF HOMONYMY

**RULING** :—(1) Under the Plenary Powers it is hereby directed that the suppression of the generic name *Argus* Bohadsch (J.B.), 1761 (Class Gastropoda) resulting from the suppression under the foregoing Powers of the above author's work entitled *De Quibusdam Animalibus marinis . . . Liber* by the Ruling given in *Opinion* 185, be limited to suppression for the purposes of the Law of Priority, the status of the above name under the Law of Homonymy remaining unimpaired.

(2) The under-mentioned generic names are hereby placed on the *Official Index of Rejected and Invalid*

*Generic Names in Zoology* with the Name Numbers 732 to 734 respectively :—

- (a) *Argus* Bohadsch, 1761, as suppressed under the Plenary Powers under (1) above for the purposes of the Law of Priority but not for those of the Law of Homonymy ;
- (b) *Argus* Scopoli, 1763 (a junior homonym of *Argus* Bohadsch, 1761) ;
- (c) *Argus* Boisduval, [1832] (a junior homonym of *Argus* Bohadsch, 1761).

(3) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name No. 1023 : *Lysandra* Hemming, 1933 (gender : feminine) (type species, by original designation : *Papilio coridon* Poda, 1761) (for use by specialists who consider that the above species is generically distinct from *Papilio icarus* Rottemburg, 1775, the type species of *Polyommatus* Latreille, 1804).

(4) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name Number 1042 : *coridon* Poda, 1761, as published in the combination *Papilio coridon* (specific name of type species of *Lysandra* Hemming, 1933).

(5) The under-mentioned specific name is hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name Number 358 : *corydon* [Denis & Schiffermüller], 1775, as published in the combination *Papilio corydon* (an Invalid Emendation of *coridon* Poda, 1761, as published in the combination *Papilio coridon*).



## I. THE STATEMENT OF THE CASE

On 10th October 1952 Mr. Francis Hemming, C.M.G., C.B.E. (London) and Mr. Cyril F. dos Passos (*Research Associate, Department of Insects and Spiders, The American Museum of Natural History, New York*) submitted the following application to the International Commission on Zoological Nomenclature for the limitation of the Ruling given in *Opinion* 185 (1944, *Ops. Decls. int. Comm. zool. Nomencl.* 3(4) : 37—52), in which the work by Bohadsch (J.B) published in 1761 under the title *De Quibusdam Animalibus marinis . . . Liber* had been suppressed under the Plenary Powers, in such a way that the consequent suppression of the generic name *Argus* Bohadsch, 1761 (Class Gastropoda) did not validate the name *Argus* Scopoli, 1763, a name which for long had been rejected as a junior homonym of *Argus* Bohadsch, the revalidation of which would cause unnecessary confusion and name-changing in the Order Lepidoptera (Class Insecta) :—

**Proposed limitation to the purposes of the Law of Priority of the suppression of the name "Argus" Bohadsch, 1761 (Class Gastropoda) effected in "Opinion" 185, in order to prevent the confusion which would otherwise arise in the Class Insecta, Order Lepidoptera**

By FRANCIS HEMMING, C.M.G., C.B.E.

(London)

and

CYRIL F. DOS PASSOS

(*Research Associate, Department of Insects and Spiders, The American Museum of Natural History, New York*)

The object of the present application is to ask the International Commission on Zoological Nomenclature to limit to the purposes of the Law of Priority the suppression, under *Opinion* 185, of the generic name *Argus* Bohadsch, 1761 (*De Quibusdam Anim. marinis . . . Liber* : 56) (Class Gastropoda) in order to prevent the confusion which would

otherwise be inevitable in the nomenclature of the Lepidoptera Rhopalocera through the emergence of the name *Argus* Scopoli, 1763 (*Ent. carn.* : 176) as the oldest available name for a well-known genus of the family LYCAENIDAE. The details of this case are set out briefly below.

2. By a decision dated 17th July 1944 the International Commission on Zoological Nomenclature unanimously adopted an *Opinion* under which it approved a proposal which had been submitted to it by Dr. H. Engel (*Zoologisch Museum, Amsterdam, The Netherlands*) that, under suspension of the Rules, Bohadsch, 1761, *De Quibusdam Animalibus marinis . . . Liber* and the German translation of that work published by N. G. Leske in 1776 should be suppressed for all nomenclatorial purposes. This decision was embodied in the Commission's *Opinion* 185 and published on 17th October 1944 (*Ops. Decls. int. Comm. zool. Nomencl.* 3(4) : 37—52).

3. One of the effects of the foregoing decision was to suppress for all nomenclatorial purposes the generic name *Argus* Bohadsch, 1761 (Class Gastropoda). This decision, in turn, meant that the name *Argus* Scopoli, 1763, was no longer an invalid junior homonym. Accordingly, unless action to the contrary is taken by the International Commission, the name *Argus* Scopoli becomes an available name, and by reason of its early date inevitably becomes the oldest available name for a genus of Lepidoptera.

4. The type species of *Argus* Scopoli, 1763 (by selection by Hemming, 1933, *Entomologist* 66 : 224) is *Papilio coridon* Poda, 1761 (*Ins. Mus. graec.* : 77). This well-known Palearctic species and its congeners are now referred to the genus *Lysandra* Hemming, 1933 (*Entomologist* 66 : 277), except by those entomologists who prefer to regard these species, notwithstanding their structural differences, as congeneric with *Papilio icarus* Rottemburg, 1775 (*Naturforscher* 6 : 21), the type species of the well-known genus *Polyommatus* Latreille, 1804 (*Nouv. Dict. Hist. nat.* 24 (Tab.) : 185, 200). This latter genus was originally based upon a misidentified type species (being referred to by Latreille under the specific name *argus* Fabricius, i.e. *argus* Linnaeus, 1758 (*Papilio*)), but this irregularity was put right by the International Commission under its Plenary Powers in *Opinion* 175 (1946, *Ops. Decls. int. Comm. zool. Nomencl.* 2 (45) : 509—520). In 1948 the name *Polyommatus* Latreille, 1804, which is a household word to all workers in the group concerned, was placed on the *Official List of Generic Names in Zoology* with the above species as type species (see *Opinion* 270, published in 1954, *Ops. Decls. int. Comm. zool. Nomencl.* 6 : 25—40).

5. It will be seen from the foregoing particulars that, as matters now stand, the name *Argus* Scopoli, 1763, replaces, as an accidental by-product of the decision to suppress the names in Bohadsch, 1761, according to the taxonomic views held by the specialists concerned, either (1) the name *Lysandra* Hemming, 1933, or (2) the name *Polyommatus* Latreille, 1804. Either of these results would give rise to serious confusion, for the name *Argus* Scopoli, 1763, has never been used except by its author, when first publishing it 191 years ago, while even the later and invalid homonym *Argus* Boisduval, [1832] (*Icon. hist. Lépidopt. Europe* 1(5/6) : 49), which was originally applied in a loose way (i.e. without a designated type species) to a large group of allied species, has not, so far as we are aware, been used for well over 100 years.

6. In similar and more recent cases, e.g. the names in Geoffroy's *Histoire abrégée* (see *Opinion* 228, published in 1954, *Ops. Decls. int. Comm. zool. Nomencl.* 4 : 209—220) of 1762, the International Commission has recognised that the rejection, *en bloc*, of the names in a given book, though in general desirable, may give rise to undesirable consequences in individual cases and has accordingly signified its willingness to give sympathetic consideration to any applications which may be submitted by specialists for the validation of a given name in such a book. In the present instance we are concerned not with the possible validation of an objectively invalid name but with the much narrower problem of the grant of a partial exception in the case of a name included in a book suppressed under the Plenary Powers. The question of principle involved in these two types of case is, however, exactly the same, and it is submitted that this should be recognised in the present instance, for it is certain that, if, instead of suppressing *en bloc* the names in Bohadsch, 1761, the names in that book had been dealt with individually (a procedure towards which it appears from recently submitted proposals the general sentiment of zoologists is leaning), strong opposition would have been offered by lepidopterists to the suppression of the name *Argus* Bohadsch, 1761, so far as concerns its status under the Law of Homonymy. The International Commission is accordingly now asked to restrict its previous decision in such a way as to prevent the confusion in the nomenclature of the Lepidoptera which would follow the rejection of the name *Argus* Bohadsch, 1761, for the purposes of the Law of Homonymy and the consequent sudden emergence of the name *Argus* Scopoli, 1763, as an available name.

7. The specific proposals now submitted to the International Commission on Zoological Nomenclature are that it should :—

- (1) direct that the suppression of new names in the work of J. B. Bohadsch published in 1761 under the title *De Quibusdam*

*Animalibus marinis . . . Liber* effected under its *Opinion* 185 is not to be taken as involving the suppression of the name *Argus* Bohadsch, 1761, for the purposes of the Law of Homonymy ;

- (2) place the name *Argus* Bohadsch, 1761, suppressed under *Opinion* 185 for the purposes of the Law of Priority but, under the direction given in (1) above, not for those of the Law of Homonymy, on the *Official Index of Rejected and Invalid Generic Names in Zoology* ;
- (3) place on the *Official List of Generic Names in Zoology* the name *Lysandra* Hemming, 1933 (type species, by original designation : *Papilio coridon* Poda, 1761), with a note that it is so placed for use by workers who consider that the type species of the genus so named is generically distinct from *Papilio icarus* Rottemburg, 1775, the type species of *Polyommatus* Latreille, 1804 (a name already placed on the *Official List of Generic Names*) ;
- (4) place the specific name *coridon* Poda, 1761, as published in the combination *Papilio coridon* (specific name of type species of *Lysandra* Hemming, 1933) on the *Official List of Specific Names in Zoology* ;
- (5) place the emendation *corydon* of the name *coridon* Poda, referred to in (4) above (being an Invalid Emendation not now in current use), on the *Official Index of Rejected and Invalid Specific Names in Zoology*.

## II. THE SUBSEQUENT HISTORY OF THE CASE

**2. Registration of the present application :** Upon the receipt of the application submitted by Mr. Francis Hemming and Mr. Cyril dos Passos the question of the generic name



*Argus* Bohadsch, 1761, was allotted the Registered Number Z.N.(S.) 714.

**3. Publication of the present application :** The present application was sent to the printer on 22nd November 1952 and was published on 22nd October 1954 in Part 9 of Volume 9 of the *Bulletin of Zoological Nomenclature* (Hemming & dos Passos, 1954, *Bull. zool. Nomencl.* **9** : 281—283).

**4. Issue of Public Notices :** Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 22nd October 1954 (a) in Part 9 of Volume 9 of the *Bulletin of Zoological Nomenclature* (the Part in which the application by Mr. Hemming and Mr. dos Passos was published) and (b) to the other prescribed serial publications. In addition, such Notice was given also to certain general zoological serial publications and to a number of entomological serials in Europe and America.

**5. Comments received :** Support for the present application was received from two specialists and the communications so received are reproduced in paragraphs 6 and 7 below.

**6. Support received from Mr. N. D. Riley (British Museum (Natural History), London) :** On 7th November 1952 Mr. Norman D. Riley (*British Museum (Natural History), London*) addressed the following letter to the Commission in support of the present application (Riley, 1954, *Bull. zool. Nomencl.* **9** : 283) :—

I should like warmly to support the application that you are making to the Commission in relation to the generic name *Argus* Bohadsch, 1761. Although there might be sentimental reasons for trying to keep

such a generic name in the LYCAENIDAE, one of the features of which is their eye-spots, yet to do so at this late stage by allowing *Argus* Scopoli, 1763, to be resurrected after an interment on nearly two hundred years would be to cause far greater confusion in this popular group of insects than can be contemplated with equanimity. Though perhaps the suppression of *Lysandra*, a comparatively recently introduced name, might not cause much confusion, the loss of the old and well-known name *Polyommatus* Latreille would certainly be serious.

**7. Support received from Dr. Joshua L. Baily, Jr. (San Diego, California, U.S.A.):** On 27th November 1954 Dr. Joshua L. Baily, Jr. (*San Diego, California, U.S.A.*) addressed the following statement to the Commission regarding the present case :—

#### On the name “ Argus ” Scopoli, 1763

In this application the suppression of the generic name *Argus* Scopoli, 1763, is sought. This name applies to a group of butterflies. The present writer knows nothing whatever about butterflies, and would have hesitated before venturing an opinion on the present application were it not that he believes four quite distinct problems to be involved, in such a way that the solution of any one may constitute a precedent for the remaining three, unless care be exercised by the Commission that any decision rendered is so semantically expressed that it cannot be interpreted by later authorities to cover matters that the Commission did not have in mind at the time.

2. The name is nearly two hundred years old, but has never been used because it was a homonym of an earlier name. It has recently been brought to life by the suppression of the earlier name, and thus has become the legal name of a genus long known by a more familiar term.

3. When, as in this case, a familiar name has to be replaced by an unfamiliar one, confusion is always likely to result. But it is quite impossible to legislate against such occurrences. Any rule intended to serve as a statute of limitations is likely to prove unworkable unless it is modified every time it is invoked. For this reason the Commission has been given power to suspend the rules in cases where such a course seems desirable. The present instance seems such a case.

4. But there are other phases to the matter. There is some uncertainty as to how many names are involved. *Lysandra* Hemming, 1933, is an identical synonym of *Argus* Scopoli, 1763, and would fall in any case if the latter name were validated. Some students of this group consider *Lysandra* and *Polyommatus* Latreille, 1804, to be

equivalent, but not identical, synonyms. If this be the case, both these well-known names will fail. A third possibility is that *Lysandra* and *Polyommatus* are subgenera of the same genus. In this case *Argus* would replace *Lysandra* as a subgenus and *Polyommatus* as a genus, but *Polyommatus* would become a subgenus under *Argus*. Thus the validation of *Argus* would not only cause the disappearance of *Lysandra* but would make it necessary to degrade *Polyommatus* and so restrict its application. The effect of validating *Argus* therefore cannot be foreseen in its entirety. It is objectionable to validate a name when the effect of the validation cannot be foreseen at the time, because such an act possibly may accomplish no permanent result except to increase the synonymies with which later writers may have to deal. This is another reason why *Argus* should be suppressed. Another reason for the suppression of *Argus* is that *Polyommatus* has already been placed on the *Official List of Generic Names*. At the time this was done *Argus* was not considered, because it was thought to have been rejected permanently as a homonym. The Commission now has the right to reopen the case, and to replace *Polyommatus* by *Argus*. In the opinion of the writer this step although quite legal would be extremely injudicious, as it would weaken the *Official List* to remove from it a name whose position in it had been established by long duration. The suppression of *Argus* would preserve *Polyommatus* with its customary meaning.

**8. No objection received :** No objection to the action proposed was received from any source.

### III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

**9. Issue of Voting Paper V.P.(55)5 :** On 27th May 1955 a Voting Paper (V.P.(55)5) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the name *Argus* Bohadsch, 1781, as

set out in points (1) to (5) in paragraph 7 on page 283 of Volume 9 of the *Bulletin of Zoological Nomenclature*” [i.e. in the points numbered as above in paragraph 7 of the application reproduced in the first paragraph of the present *Opinion*].

**10. The Prescribed Voting Period :** As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 27th August 1955.

**11. Particulars of the Voting on Voting Paper V.P.(55)5 :** At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(55)5 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-five (25) Commissioners (arranged in the order in which Votes were received) :*

Bodenheimer ; Holthuis ; Stoll ; Vokes ; Hering ;  
Esaki ; do Amaral ; Mayr ; Kühnelt ; Dymond ;  
Tortonese ; Hankó ; Bradley (J.C.) ; Lemche ; Cabrera ;  
Prantl ; Jaczewski ; Riley ; Key ; Bonnet ; Hemming ;  
Mertens ; Sylvester-Bradley ; Miller ; Boschma ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned :*

None.



**12. Declaration of Result of Vote :** On 17th October 1955, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(55)5, signed a Certificate that the Votes cast were as set out in paragraph 11 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

**13. Addition of two further junior homonyms to the “ Official Index of Rejected and Invalid Generic Names in Zoology ” :** On 14th May 1956 Mr. Hemming, as Secretary, executed the following Minute containing a direction that the under-mentioned junior homonyms of the name *Argus* Bohadsch, 1761, the name which formed the subject of the application submitted in the present case, be placed upon the *Official Index of Rejected and Invalid Generic Names in Zoology* : (a) *Argus* Scopoli, 1763 ; (b) *Argus* Boisduval, 1832 :—

**Addition to the “ Official Index of Rejected and Invalid Generic Names in Zoology ” of two further junior homonyms of “ Argus ” Bohadsch, 1761 (Class Gastropoda)**

MINUTE by FRANCIS HEMMING, C.M.G., C.B.E.

(*Secretary to the International Commission on Zoological Nomenclature*)

(1) My attention has been drawn to the fact that in the application relating to the generic name *Argus* Bohadsch, 1761, which formed the subject of the vote by the International Commission on Voting Paper V.P.(55)5, reference was made to other junior homonyms of *Argus* Bohadsch, 1761, which, however, through some oversight were not cited in the summary given in paragraph 7 of the foregoing application. The names concerned were : (i) *Argus* Scopoli, 1763 ; (ii) *Argus* Boisduval, [1832]. These, being objectively invalid names, should, under the General Directives issued to the Commission by the International Congress of Zoology, be placed on the *Official Index of Rejected and Invalid Generic Names in Zoology*. Accordingly, as Secretary, I hereby direct that the foregoing generic names be entered on the said *Official Index* in the Ruling to be prepared to give effect

to the decision taken by the International Commission in its vote on the Voting Paper referred to above.

(2) Further, it must be recalled that at the time of the submission of the foregoing application it had not been found possible to determine by whom, when and where the invalid emendation to *corydon* of the specific name *coridon* Poda, 1761 (*Papilio*) had been first published and that it was accordingly arranged that this matter should be left over for further investigation. The applicants now report that as the result of a survey of the early literature it has been ascertained that the above emendation was first published in the combination *Papilio corydon* by [Denis & Schiffermüller] in 1775 (*Ankündigung syst. Werkes Schmett. Wien. Gegend* : 184).

**14. Preparation of the Ruling given in the present " Opinion " :**  
On 15th May 1956 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(55)5, subject to the clarification specified in the Minute executed by the Secretary on 14th May 1956, the terms of which have been reproduced in paragraph 13 of the present *Opinion*.

**15. Original References :** The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

*Argus* Bohadsch (J.B.), 1761, *De Quibusd. Anim. mar.* . . . *Liber* : 56

*Argus* Scopoli, 1763, *Ent. carniol.* : 176

*Argus* Boisduval, [1832], *Icon. hist. Lépidopt. Europe.* 1(5/6) : 49

*coridon*, *Papilio*, Poda, 1761, *Ins. Mus. graec.* : 77

*corydon*, *Papilio* [Denis & Schiffermüller], 1775, *Ankündigung. Syst. Werkes Schmett. Wien. Gegend* : 184

*Lysandra* Hemming, 1933, *Entomologist* 66 : 277

**16. Family-Group-Name Aspects :** Mr. Hemming has informed the Office of the Commission that none of the generic names involved in the present case has been taken as the base for the name of a family-group taxon.

17. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

18. The present *Opinion* shall be known as *Opinion* Four Hundred and Twenty-Nine (429) of the International Commission on Zoological Nomenclature.

DONE in London, this Fifteenth day of May, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission  
on Zoological Nomenclature*

**FRANCIS HEMMING**

